

United States District Court

EASTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JUSTIN DAVID CASTILLO,

Defendant.

CRIMINAL COMPLAINT

Case No. 21-MJ-342-SPS

I, Zachary Oliveri, the undersigned complainant, state that the following is true to the best of my knowledge and belief.

On or about August 18, 2021, in the Eastern District of Oklahoma, in Indian Country, **JUSTIN DAVID CASTILLO**, committed the crime of **Assault with Dangerous Weapon with Intent to Do Bodily Harm**, in violation of Title, 18 United States Code, Sections 113(a)(3), 1151, and 1152.

I further state that I am a Special Agent with the Federal Bureau of Investigation and that this complaint is based on the following facts:

(See attached Affidavit of SA Oliveri, which is attached hereto and made a part hereof by reference.)

☒ Continued on the attached sheet.



Zachary Oliveri
Special Agent
Federal Bureau of Investigation

Sworn to before me and subscribed at: MUSKOGEE, OKLAHOMA

Date: August 20, 2021

STEVEN P. SHREDER
UNITED STATES MAGISTRATE JUDGE
Name and Title of Judicial Officer



Signature of Judicial Officer



**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Special Agent Zachary Oliveri, being duly sworn, does depose and state:

AGENT BACKGROUND AND INTRODUCTION

1. I, Zachary Oliveri, am a Special Agent (“SA”) with the Federal Bureau of Investigation (“FBI”), and have been so employed since 2019. I am an investigative officer, or law enforcement officer, of the United States of America within the meaning of Title 18, United States Code, section 2510(7), that is, an officer of the United States who is empowered by law to conduct investigation of, and make arrests for, offenses enumerated in Title 18. I received law enforcement training from the FBI Academy at Quantico, Virginia, and was previously employed as an Army Intelligence Sergeant. I am currently assigned to the FBI Chicago Field Office, and am temporarily assigned to the FBI Oklahoma City Field Office, Muskogee Residence Agency in support of Operation Restore Justice. In the performance of my duties with the FBI, I have participated in criminal investigations involving violent crime, gang criminal enterprises, evidence collection, interviews, execution of search and arrest warrants, and case review.

2. The information included in the affidavit is provided for the limited purpose of establishing probable cause that, on or about August 18, 2021, **JUSTIN DAVID CASTILLO**, date of birth XX/XX/2001, committed the offense of Assault with a Dangerous Weapon with Intent to Do Bodily Harm to the person of N.V., date of birth XX/XX/1998, within the Eastern District of Oklahoma, within the reservation boundaries of the Cherokee Nation, in violation of Title 18, United States Code, Section 113(a)(3), 1151, and 1152.

3. The facts set forth in this affidavit are based on my personal knowledge, knowledge obtained from other individuals, including other law enforcement officers, my review of

documents, interview reports and computer records related to this investigation, and information gained through my training and experience. Additionally, unless otherwise noted, wherever in this affidavit I assert that an individual made a statement, that statement is described in substance herein and is not intended to be a verbatim recitation of such statement.

4. As your Affiant, and having reviewed the aforementioned documentation, I have compiled a factual history below, which is predicated upon the investigative findings and Court rulings and opinions. Therefore, I, Zachary Oliveri, the undersigned complainant, state that the following is true to the best of my knowledge and belief.

5. DEFENDANT: The defendant in this investigation is **JUSTIN DAVID CASTILLO** (“**CASTILLO**”), date of birth XX/XX/2001. **CASTILLO** does not have a degree of Indian blood and is not otherwise recognized as an Indian.

6. VENUE: Based on the Supreme Court decision in *McGirt v. Oklahoma* (2020), the location of the incident was 305 N. 1ST Street, Marble City, Oklahoma, within the reservation boundaries of the Cherokee Nation and is therefore Indian Country. The location is also within the confines of the Eastern District of Oklahoma.

7. VICTIM: The victim is N.V., XX/XX/1998, was an enrolled member of the Cherokee Nation at the time of the incident and has some degree of Indian blood.

8. OFFENSE: N.V. was assaulted by his brother-in-law, **CASTILLO**, on August 18, 2021, when **CASTILLO** used a knife to inflict puncture and slash wounds upon N.V. at 305 North 1st St, Marble, Oklahoma. N.V. was admitted to Northeastern Health System in Sallisaw, Oklahoma, where he was treated for his injuries. N.V. suffered a puncture wound in the middle of his back on the left side, which required staples for closure. N.V. also suffered an approximately 8-12” slash wound on the left side of his stomach, which required steri-strips for closure, and a

slash wound to his hand which required 7 staples for closure. In addition, N.V. suffered markings and abrasions on his left hand and little finger. Based on the facts set forth in this affidavit, there is probable cause to believe that the violation of 18 U.S.C. §§ 113(a)(3), 1151, and 1152, Assault with a dangerous weapon with intent to do bodily harm to the person of N.V., within the reservation boundaries of the Cherokee Nation, in the Eastern District of Oklahoma.

9. BACKGROUND: On August 18, 2021, **CASTILLO** was located at 305 North 1st St, Marble City, Oklahoma, the residence of his mother and father and also where **CASTILLO** resides. According to **CASTILLO**'s father, P.C., **CASTILLO** was aggressive and belligerent and on drugs on this date. **CASTILLO**'s mother, J.C., said **CASTILLO** had not had significant sleep in 2-3 weeks because of drug use and on the date of incident, **CASTILLO** awoke from a brief 30-minute nap in an irate condition, throwing items in the home and throwing the television.

10. Inside the residence, **CASTILLO** encountered N.V. when N.V. arrived to pick up N.V.'s child. N.V. had received a call from J.C. telling N.V. that **CASTILLO** was behaving aggressively, and N.V. should come get his baby. An argument ensued regarding **CASTILLO**'s behavior. **CASTILLO** pushed N.V. and N.V. pushed **CASTILLO** in turn. Immediately thereafter, **CASTILLO** and N.V. left the house. **CASTILLO** walked toward the road and appeared to be leaving the area whereupon he turned and ran back in the house, at which time N.V. followed.

11. Upon entering the residence, **CASTILLO** grabbed an approximately 7" bladed knife and ran at N.V. from the dining room. **CASTILLO** stabbed N.V. in the back and slashed him across his stomach. A struggle ensued during which **CASTILLO** lost control of the knife. While the fight continued, N.V. acquired control of the knife and stabbed **CASTILLO**, ending the confrontation.

12. On August 20, 2021, **CASTILLO** conveyed a threat via telephone to his sister, E.C. **CASTILLO** told E.C., "I have a .45 waiting on you motherfuckers," a reference to a handgun. E.C. had knowledge that **CASTILLO** recently purchased a handgun chambered in .45 and E.C. believed **CASTILLO** intended to kill members of **CASTILLO's** family if he was discharged from the hospital.

13. The facts presented in this affidavit are not a complete recitation of all the facts known to law enforcement, rather, the affidavit is solely offered to establish probable cause for the crime presented in this affidavit.

14. Based on a review of those documents and based on my knowledge and experience with violent crimes in Indian country, I, as your Affiant, have probable cause to believe that **JUSTIN DAVID CASTILLO**, committed the offense of Assault with a Dangerous Weapon with Intent to Do Bodily Harm to the person of N.V., within the Eastern District of Oklahoma, within the reservation boundaries of the Cherokee Nation, in violation of Title 18, United States Code, Section 113(a)(3), 1151, and 1152.

Respectfully submitted,



ZACHARY OLIVERI
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me this 20th day of August, 2021.



UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF OKLAHOMA